

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BEVERLY BEAM,** )      **NO. 1:CV-01-0083**  
                        )  
                        )  
**Plaintiff**        )  
                        )  
                        )  
**vs.**                )  
                        )  
**SCOTT DOWNY, ROGER** )  
**MORRISON, DAVID GRAYBILL** )  
**AND MMICHAEL SWEGER,** )  
                        )  
                        )  
**Defendants**        )

**JUDGE MCLCURE**

**NOTICE OF APPEAL**

*Kjm*

Notice is hereby given that the above named plaintiff hereby appeals to the Third Circuit Court of Appeals from the decision of the Honorable James F. McClure from the Middle District of Pennsylvania in which he granted defendants motions for attorneys' fees entered on July 29, 2004.

Respectfully Submitted,

**BAILEY STRETTON & OSTROWSKI**

By:   
s/Don Bailey, Esquire  
4311 N. 6<sup>th</sup> Street  
Harrisburg, PA 17110  
(717) 221-9500

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                          |   |                  |
|--------------------------|---|------------------|
| BEVERLY BEAM,            | : |                  |
| Plaintiff                | : | No. 1:CV-01-0083 |
|                          | : | (Judge McClure)  |
| v.                       | : |                  |
|                          | : |                  |
| SCOTT DOWNEY, ROGER      | : |                  |
| MORRISON, DAVID GRAYBILL | : |                  |
| and MICHAEL SWEGER,      | : |                  |
| Defendants               | : |                  |

**O R D E R**

July 29, 2004

For the reasons set forth in the accompanying memorandum,

**IT IS ORDERED THAT:**

1. Defendant Roger Morrison's Motion for Attorney's Fees and Associated Expenses (Rec. Doc. No. 33) is granted.
  - 1.1. Plaintiff Beverly Beam is directed to pay \$10,458 to Morrison for attorney's fees incurred in the instant litigation.
  - 1.2. Beam is directed to pay \$206.33 to Morrison for non-taxable expenses incurred in the instant litigation.
2. Defendant Scott Downey's Motion for Attorney's Fees and Associated Expenses (Rec. Doc. No. 46) is granted.

2.1. Beam is directed to pay \$14,722 to Downey for attorney's fees incurred in the instant litigation.

2.2. Beam is directed to pay \$967.91 to Downey for non-taxable expenses incurred in the instant litigation.

3. Defendants Graybill's and Sweger's Motion for Attorneys' Fees and Associated Expenses (Rec. Doc. No. 42) is granted.

3.1. Beam is directed to pay \$12,532.50 to Graybill and Sweger for attorney's fees incurred in the instant litigation.

3.2. Beam is directed to pay \$56.03 to Graybill and Sweger for non-taxable expenses incurred in the instant litigation.

4. Said sums shall be payable within thirty (30) days from the date of this order.

s/ James F. McClure, Jr.  
James F. McClure, Jr.  
United States District Judge

**CERTIFICATE OF SERVICE**

I, Don Bailey do hereby certify that on *August 17, 2004* I served a true and correct copy of the ***PLAINTIFF'S NOTICE OF APPEAL*** to the attorney below via Electronic Means:

Stock & Leader  
Melinda B. Kauffman  
221 W. Philadelphia Street  
6<sup>th</sup> Floor  
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P. Daniel Altland  
Mette Evans & Woodside  
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Harrisburg, PA 17110

Serratelli Schiffman  
Suite 201  
2080 Linglestown Road  
Harrisburg, PA 17110

RESPECTFULLY SUBMITTED,

**BAILEY STRETTON & OSTROWSKI**

By:

  
s/Don Bailey, Esquire  
4311 N. 6<sup>th</sup> Street  
Harrisburg, PA 17110  
(717) 221-9500

Mon Aug 23 12:11:07 2004

UNITED STATES DISTRICT COURT  
SCRANTON , PA

Receipt No. 111 141580  
Cashier pamelia

Check Number: 4282

DB Code Div No  
4667 1

| Sub Acct | Type | Tender | Amount |
|----------|------|--------|--------|
| 1:086900 | N    | 2      | 105.00 |
| 2:510000 | N    | 2      | 150.00 |

Total Amount \$ 255.00

DON AND ADRIENNE BAILEY 4015 N SEC 8  
ND ST HBG, PA 17110

MOA IN 01-CV-83

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